

BAY AREA AIR POLLUTION CONTROL DISTRICT

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January 17, 1978

JAN 23 1978

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TO WHOM IT MAY CONCERN:

FROM: AIR POLLUTION CONTROL OFFICER

SUBJECT: PROPOSED REVISIONS TO REGULATION 2
REGARDING NEW SOURCE REVIEW PROCEDURES

Attached is the Staff's revised proposal regarding New Source Review procedures to be considered by the Board of Directors at a public hearing scheduled for January 25, 1978.

As you may be aware, the California Air Resources Board adopted a New Source Review Regulation for this District on December 20, 1977 at a Public Hearing in San Francisco. The District did not receive a copy of the adopted Regulation until January 12, 1978.

Some of the provisions included in the adopted Regulation by the California Air Resources Board have been incorporated into the proposed New Source Review Regulation under consideration by the Board.

If you have any comments, please let me know as soon as possible.

DJC:tmc
Attachment

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PROPOSED AMENDMENT TO REGULATION 2

~~§ 1309 Denial - Interference with the Attainment or Maintenance of Air Quality Standards. The Air Pollution Control Officer, after considering all available information about existing air quality, information about the emission of air contaminants from existing source operations, information about the emission of air contaminants from the proposed new source operations, and information on the projected levels of air quality, shall deny an authority to construct, erect, alter, or replace any facility, building, article, machine, equipment or other contrivance, the use of which may cause the emission or creation of a significant quantity of any air contaminant which would interfere with the attainment or maintenance of any air quality standard adopted by the California Air Resources Board or the Environmental Protection Agency in any area of the District, in any air basin that is contiguous with the District, or in any air basin that is not contiguous with the District but that is found by the Air Pollution Control Officer to be a receptor air basin because of meteorological considerations.~~

~~Where any such authority has been granted after October 1, 1976 for one or more parts of a larger facility or project on the same or contiguous property, under the ownership or control of a person, the emissions from each of said parts shall be added to the emissions of any subsequent part or parts for which such authority is needed, for the purpose of determining whether a significant quantity of any air contaminant is emitted by such subsequent part or parts. (Amended September 15, 1976)~~

LETTER TO THE EDITOR

Dear Sir,

I am writing to you to express my appreciation for the excellent service you have provided to me. I have been a customer of your company for many years and I have always been satisfied with the quality of your products and the efficiency of your service. I have recently received a new order from you and I am very pleased with the results. I have been able to complete my project on time and within budget. I am sure that your company will continue to provide me with the same high quality service in the future. I am sure that your company will continue to provide me with the same high quality service in the future. I am sure that your company will continue to provide me with the same high quality service in the future.

January 16, 1978

PROPOSED AMENDMENT TO REGULATION 2

- 1309 Denial - Interference with the Attainment or Maintenance of Air Quality Standards.
- a. The APCO shall deny an Authority to Construct, erect, alter or replace any facility, building, article, machine, equipment or other contrivance if such new stationary source or alteration to an existing source will emit more than 15 pounds per hour or 150 pounds per day of any contaminant for which there is a state or national air quality standard or which is a precursor of any such air contaminant (except carbon monoxide, for which the limits are 150 pounds per hour or 1500 pounds per day) unless the applicant shows that the new source or modification to the existing source will be constructed using best available control technology.
 - b. The APCO shall deny an Authority to Construct, erect, alter or replace any facility, building, article, machine, equipment or other contrivance if such source or alteration to an existing source will emit more than 25 pounds per hour or 250 pounds per day of any contaminant for which there is a state or national air quality standard or which is a precursor of any such air contaminant (except carbon monoxide, for which the limits are 250 pounds per hour or 2500 pounds per day) if the source is located in a non-compliance area for any such contaminants.
 - c. The APCO shall deny an Authority to Construct, erect, alter

January 1, 1954

MEMORANDUM FOR THE RECORD

Subject: [Illegible]

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

15. [Illegible]

16. [Illegible]

17. [Illegible]

18. [Illegible]

19. [Illegible]

20. [Illegible]

21. [Illegible]

22. [Illegible]

23. [Illegible]

24. [Illegible]

25. [Illegible]

- or replace any facility, building, article, machine, equipment or other contrivance if such source or alteration to an existing source will emit more than 25 pounds per hour or 250 pounds per day of any contaminant for which there is a state or national air quality standard or which is a precursor of any such air contaminant (except carbon monoxide, for which the limits are 250 pounds per hour or 2500 pounds per day) if the source is located in a compliance area for such contaminants, unless he determines that the emissions from the source will not cause a violation of, or will not interfere with the attainment or maintenance of state or national air quality standards anywhere in the District or in any other air basin, for the contaminant or contaminants emitted by the source.
- d. Where any Authority to Construct has been granted within the previous 5-year period but not before October 1, 1976, for one or more parts of a larger facility or project on the same or contiguous property, under the ownership or control of a person, the emissions from each of said parts shall be added to the emissions of any subsequent part or parts for which an Authority to Construct is needed, for the purpose of determining whether the limits prescribed in 1309a, 1309b, or 1309c have been reached. If such limits are caused to be reached by the emissions from such subsequent parts, the provisions of 1309a, 1309b, and 1309c shall apply.

1311.3 Emission Off-Set - Not Cause for Denial.

The APCO shall not deny an application for an Authority to Construct, erect, alter or replace any facility, building, article, machine, equipment or other contrivance, even though operation pursuant to such an Authority to construct may cause the emission of one or more air contaminants in a quantity such that a denial



would be required Section 1309b or 1309c, provided that the person responsible for the proposed new or modified source or facility causes to be effected a reduction in the emission of each of said one or more air contaminants from other selected sources or facilities within the District by an amount at least 20% greater than the quantity of each of said contaminants which will be emitted by the proposed new or modified source or facility. The required reductions shall be calculated from the base line emissions of the selected sources or facilities. The selected sources or facilities which are to effect such reductions of air contaminants may be controlled by the applicant or any other person. In order to be granted an Authority to Construct under this Section, the following provisions shall be complied with by the person seeking to come under the provisions of this Section:

- a. The APCO shall be provided source test data, certified by a registered professional engineer, on the base line emissions of particulate matter, sulfur dioxide, nitrogen oxides, non-methane hydrocarbon, and carbon monoxide from the sources or facilities which have been selected for reduction. Emissions from the selected sources or facilities must be in compliance with District emission limitations for this section to be applicable.
- b. The APCO shall be provided plans, engineering drawings, and specifications of the manner in which the reductions from the affected sources or facilities are to be accomplished, and the quantity of each contaminant which will be reduced by such plans and specifications.
- c. At least three months prior to the startup of the proposed new or modified source or facility when this is feasible, the person seeking to come under this Section 1311.3 shall



install or cause to be installed the equipment specified in (b) above, and provide to the APCO source test data, certified by a registered professional engineer on the emission of particulate, sulfur oxides, nitrogen oxides, non-methane hydrocarbon and carbon monoxide from the sources or facilities which have been selected for reduction, indicating that emissions have been reduced by at least 20% greater than the quantity of each one or more of said contaminants which will be emitted by the proposed new or modified source or facility.

- d. Any Authority to Construct issued under this Section shall specify that any subsequent permit to operate shall be conditioned upon the new or modified source or facility not exceeding, at any time, the quantity or concentration of air contaminant emissions specified therein. Similarly it shall specify that the emissions from the source or sources selected for reduction of emissions not exceed, at any time, the quantity or concentration of air contaminant emissions specified therein.
- e. Where the reductions to be achieved to comply with the requirements of Section 1311.3 are based on differing hours of operation of the source selected for emission reduction and the source or facility seeking to come under the provisions of Section 1311.3, the allowable hours of operation of the source or sources selected for reduction of emissions shall be set forth in the permit to operate for the new or modified source or facility so that at least a 20% overall reduction in the quantity emitted of each said contaminant is achieved.

- f. Any violation of any permit condition required under this Section shall be the responsibility of the person seeking to come under the provisions of this Section.
- g. If reduction of contaminants from sources or facilities which have been selected for compliance with this Section are to be achieved by reduced operations or shutdown of these sources or facilities, the APCO shall be provided a certified copy of a contract or agreement between the person seeking an Authority to Construct under the provisions of this Section and the person responsible for emissions from the selected sources or facilities from which emissions are to be reduced, which contains information substantiating the reductions to be achieved by reduced operations or shutdown.
- h. The date when the sources selected for emission reductions are to reduce operations or shutdown, shall be at least three months prior to the startup of the new or modified source or facility for which a permit to construct has been issued under 1311.3 when this is feasible. The person seeking to come under the provisions of this Section shall, upon the request of the APCO, submit documentation to establish that such reduced operations or shutdown will, when compared with the hours of operation and level of operation over the preceding year, result in at least a 20% overall reduction in the quantity emitted of each of said air contaminants.
- i. The person seeking to come under the provisions of any of the Sections dealing with emission off-sets shall provide to the APCO a written agreement between that person and the person whose emissions are to be reduced, which states that

any permits ¹⁰or operate held by the person whose emissions ¹¹are to be reduced shall be modified by the APCO to show the new emission limits or hours of operation required to meet the provisions of the off-set requirements, before an Authority to Construct or Permit to Operate is issued to the person seeking an emission off-set.

- j. To comply with this Section, the sources selected for reduction of non-methane hydrocarbon and nitrogen oxides may be located anywhere within the District, unless the APCO determines that there will be an air quality deterioration within the air basin or in any other air basin. With respect to the reduction of particulate matter, sulfur dioxide, and carbon monoxide, the sources selected for reduction must be located within 5 miles of the new or modified source or facility.
- k. Emission off-sets authorized by the provisions of this Section 1311.3 shall not be applicable in the following instances:
 - 1. Where emissions from the proposed new or modified source or facility are of such magnitude, as to cause air quality standards for one or more contaminants, (except non-methane hydrocarbon), for which there is a Federal or State air quality standard, to be exceeded, without consideration of existing concentrations in the area of the proposed new source.
 - 2. Where the proposed emission reductions would have been achieved as a result of modifications required by changes in District, State or Federal regulations with a future effective date.

1311.31 Base Line Emissions for purposes of Section 1311.3 means the actual emission of particulate matter, carbon monoxide, organic compounds, sulfur oxides or nitrogen oxides, as determined by source test procedures or other acceptable methods approved by the APCO, of the source or facility selected for emission off-set. For each contaminant, emissions shall be calculated as average daily emissions.

For sources or facilities operating 24 hours per day, average daily emissions shall be calculated from source test data collected over several 60-minute periods or other acceptable methods approved by the APCO, and extrapolated to 24 hours.

For sources or facilities operating less than 24 hours per day, average daily emissions shall be calculated from source test data collected over several 60-minute periods or other acceptable methods approved by the APCO, and extrapolated to the actual number of hours operated.

All reductions required under this Section shall be calculated from the Base Line Emissions as determined above.

1311.32 Best Available Control Technology for purposes of Section 1309a means control technology which is currently in use on existing sources or facilities and which achieves an emission rate of the controlled contaminant(s) that is at least as low as that achieved by any similarly proven technology. The APCO shall designate the control technology performance which shall be required for each applicant subject to the requirements of Section 1309a. In making such determination, the APCO shall utilize the definition set forth in Section 169(3) of the Clean Air Act of 1977.

1311.33 Non-Compliance Area for purposes of Section 1309b means that area within the District where air monitoring data indicates that within the past 12 months prior to the date of any application to come under the provisions of Section 1311.3, air quality standards adopted by the EPA or the ARB have been exceeded for reasons unrelated to specifically identified upsets.

1311.34 Compliance Area for purposes of Section 1309c means that area within the District where air monitoring data indicates that within the past 12 months prior to the date of any application to come under the provisions of Section 1311.3, air quality standards adopted by the EPA or the ARB have not been exceeded except as a result of upsets.

1311.35 Upsets for purposes of Sections 1311.33 and 1311.34 are accidental releases of air contaminants that result from human error or equipment failure and are not inherent in the design of the source or facility involved.

1311.36 Stationary Source means a unit or an aggregation of units of non-vehicular air contaminant emitting equipment which is located on one property or on contiguous properties; which is under the same ownership or entitlement to use and operate; and, in the case of an aggregation of units, those units which are related to one another. Units shall be deemed related to one another if the operation of one is dependent upon, or affects the process of, the other; if their operation involves a common or similar raw material, product, or function; or if they have the same first three digits in their standard industrial classification codes as determined from the Standard Industrial

Classification Manual published in 1972 by the Executive Office of the President, Office of Management and Budget. In addition, in cases where all or part of a stationary source is a facility used to load cargo onto or unload cargo from cargo carriers, other than motor vehicles, the APCO shall consider such carriers to be parts of the stationary source. Accordingly, all emissions from such carriers (excluding motor vehicles) which will result in an adverse impact on air quality in the State of California shall be considered as emissions from such stationary source. Emissions from such carriers shall include those that result from operation of the carriers' engines; the purging or other method of venting of vapors; and from the loading, unloading, storage, processing, and transfer of cargo.

1311.4 Exemptions

The APCO shall exempt from the provisions of Subsections b and c of Section 1309, any application for an Authority to Construct, erect, alter or replace any facility, building, article, machine, equipment or other contrivance if such source or alteration to an existing source:

- a. Will cause demonstrable air quality benefits within the District as a whole, provided however⁵, that the written concurrence of the California Air Resources Board and the United States Environmental Protection Agency shall be obtained prior to the granting of an exemption hereunder; or
- b. Will be used exclusively for providing essential public services such as schools, hospitals, or police and fire fighting facilities, but specifically excluding sources

of electrical power generation other than for emergency standby use at essential public service facilities; or

- c. Is exclusively a modification to convert from use of gaseous fuels to fuel oil because of demonstrable shortage of gaseous fuels, provided: (i) that all units constituting the modification will utilize best available control technology and provided that use of fuel oil would have been permitted under District regulations at the time of construction of the equipment using gaseous fuels without the source having been required at that time to install control equipment in addition to that which it would have to install in order to be able to be exempt hereunder and (ii) the applicant demonstrates that it made its best efforts to obtain sufficient emission trade-offs under this rule, that such efforts were unsuccessful, and that it will continue to seek the necessary emission trade-offs, and apply them when they become available. Modifications for the purpose of this subparagraph shall include the addition or modification of facilities for storing, transferring and/or transporting such fuel oil at the stationary source. A condition shall be placed on the operating permit requiring conversion to gaseous or other equivalent low polluting fuels when they are, or become available; or
- d. Is air pollution control equipment which, when in operation, will reduce emissions from an existing source; or
- e. Is portable sandblasting equipment used on a temporary basis within the Air Basin.

1311.5 Permissive Exemptions

The APCO may exempt from subsections b and c of Section 1309, any new stationary source, or modification of an existing stationary source, which has been determined to be:



- a. A new stationary source or modification of an existing stationary source utilizing unique and innovative control technology which will result in a significantly lower emission rate from the stationary source than would have occurred with the use of previously known best available control technology, and which will likely serve as a model for technology to be applied to similar stationary sources within the State. In order for a stationary source to be exempted under this subparagraph, the applicant must obtain the written concurrence of the California Air Resources Board and the United States Environmental Protection Agency with the APCO's determination; or
- b. A new stationary source or modification of an existing stationary source that represent a significant advance in the development of a technology that appears to offer extraordinary environmental or public health benefits or other benefits of overriding importance to the public health or welfare. In order for a stationary source to be exempted under this subparagraph, the applicant must obtain the written concurrence of the California Air Resources Board and the United States Environmental Protection Agency with the APCO's determination.

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